

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 105 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 utilities and transportation and to make an appropriation.
- 4 Page 5, between lines 24 and 25, begin a new paragraph and insert:
- 5 "SECTION 5. IC 8-15-2-1, AS AMENDED BY P.L.47-2006,
- 6 SECTION 8, AND AS AMENDED BY P.L.1-2006, SECTION 156, IS
- 7 CORRECTED AND AMENDED TO READ AS FOLLOWS
- 8 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) In order to remove the
- 9 handicaps and hazards on the congested highways in Indiana, to
- 10 facilitate vehicular traffic throughout the state, to promote the
- 11 agricultural and industrial development of the state, and to provide for
- 12 the general welfare by the construction of modern express highways
- 13 embodying safety devices, including center division, ample shoulder
- 14 widths, long sight distances, multiple lanes in each direction, and grade
- 15 separations at intersections with other highways and railroads, the
- 16 authority may:
- 17 (1) *subject to subsection (d)*, construct, reconstruct, maintain,
- 18 repair, and operate toll road projects at such locations as shall be
- 19 approved by the governor;
- 20 (2) in accordance with such alignment and design standards as
- 21 shall be approved by the authority and subject to IC 8-9.5-8-10,
- 22 issue toll road revenue bonds of the state payable solely from
- 23 funds pledged for their payment, as authorized by this chapter, to
- 24 pay the cost of such projects;

(3) finance, develop, construct, reconstruct, improve, or maintain improvements for manufacturing, commercial, or public transportation activities within a county through which a toll road passes;

(4) in cooperation with the Indiana department of transportation or a political subdivision, construct, reconstruct, or finance the construction or reconstruction of an arterial highway or an arterial street that is located within a county through which a toll road passes and that:

(A) interchanges with a toll road project; or

(B) intersects with a road or a street that interchanges with a toll road project;

(5) finance improvements necessary for developing transportation corridors in northwestern Indiana; and

(6) exercise these powers in participation with any governmental entity or with any individual, partnership, limited liability company, or corporation.

(b) Notwithstanding subsection (a), the authority shall not construct, maintain, operate, nor contract for the construction, maintenance, or operation of transient lodging facilities on, or adjacent to, such toll road projects.

(c) This chapter:

(1) applies to the authority only when acting for the purposes set forth in this chapter; and

(2) does not apply to the authority when acting under any other statute for any other purpose.

(d) *Notwithstanding any other law, neither the authority nor an operator selected under IC 8-15.5 may carry out any of the following activities under this chapter unless the general assembly enacts a statute authorizing that activity:*

*(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).*

*(2) Imposing tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).*

**(3) Imposing tolls on motor vehicles for use of any part of Interstate Highway 69 between Interstate Highway 465 and Interstate Highway 64.**

SECTION 6. IC 8-15-3-9, AS AMENDED BY P.L.47-2006, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Subject to subsection (e), the governor must approve the location of any tollway.

(b) **Subject to subsection (e)**, the department may, in any combination, plan, design, develop, construct, reconstruct, maintain, repair, police, finance, and operate tollways, public improvements, and arterial streets and roads at those locations that the governor approves.

(c) The department may, in any combination, plan, design, develop, construct, reconstruct, improve, finance, operate, repair, or maintain public improvements such as roads and streets, sewer lines, water lines, and other utilities if these improvements are:

(1) adjacent or appurtenant to a tollway; or

(2) necessary or desirable for the financing, construction, operation, or maintenance of a tollway.

(d) The department may, in any combination, plan, design, develop, construct, reconstruct, improve, maintain, repair, operate, or finance the construction or reconstruction of an arterial highway or an arterial street that:

(1) is adjacent to, appurtenant to, or interchanges with a tollway; or

(2) intersects with a road or street that interchanges with a tollway.

(e) Notwithstanding any other law, the governor, the department, or an operator may not carry out any of the following activities under this chapter unless the general assembly enacts a statute authorizing that activity:

(1) Approve the location of a tollway. ~~other than Interstate Highway 69 between Interstate Highway 64 and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).~~

(2) Carry out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(3) Impose tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

**(4) Impose tolls on motor vehicles for use of any part of Interstate Highway 69 between Interstate Highway 465 and Interstate Highway 64.**

SECTION 7. IC 8-15.5-1-2, AS ADDED BY P.L.47-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority and a private entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to

enter into a public-private agreement with a private entity under this article, or for a toll road project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Notwithstanding any other law, after August 1, 2006, neither the authority nor the department may:

- (1) issue a request for proposals for; or
- (2) enter into;

a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a project, unless the general assembly adopts a statute authorizing the imposition of tolls.

(c) Notwithstanding any other law, neither the authority nor an operator may carry out any of the following activities under this article unless the general assembly enacts a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(2) Imposing tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

**(3) Imposing tolls on motor vehicles for use of any part of Interstate Highway 69 between Interstate Highway 465 and Interstate Highway 64."**

Page 5, line 40, after "agreement" insert ".".

Page 5, line 40, strike "concerning a project other than".

Page 5, strike lines 41 through 42.

Page 6, between lines 9 and 10, begin a new line block indented and insert:

**"(4) Imposing user fees on motor vehicles for use of any part of Interstate Highway 69 between Interstate Highway 465 and Interstate Highway 64."**

Page 7, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 11. IC 8-23-7-22, AS AMENDED BY P.L.47-2006, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Subject to subsection (b), the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a tollway. After the order becomes effective, the department shall maintain and operate the tollway and levy and collect tolls as provided in IC 8-15-3 or enter into a public-private agreement with an operator with respect to the tollway under IC 8-15.7. Before issuing an order under this section, the department shall submit to the governor a plan to bring the

1 tollway to the current design standards of the department for new state  
2 highways within a specified period. The specified period may not  
3 exceed five (5) years.

4 (b) Notwithstanding any other law, the governor, the department, or  
5 an operator may not carry out any of the following activities under this  
6 section unless the general assembly enacts a statute authorizing that  
7 activity:

8 (1) Determine that a highway ~~other than Interstate Highway 69~~  
9 ~~between Interstate Highway 64 and a city having a population of~~  
10 ~~more than eleven thousand five hundred (11,500) but less than~~  
11 ~~eleven thousand seven hundred forty (11,740);~~ should become a  
12 tollway.

13 (2) Carry out construction for Interstate Highway 69 in a township  
14 having a population of more than seventy-five thousand (75,000)  
15 and less than ninety-three thousand five hundred (93,500).

16 (3) Impose tolls on motor vehicles for use of the part of an  
17 interstate highway that connects a consolidated city and a city  
18 having a population of more than eleven thousand five hundred  
19 (11,500) but less than eleven thousand seven hundred forty  
20 (11,740).

21 SECTION 12. IC 8-23-7-23, AS AMENDED BY P.L.47-2006,  
22 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 UPON PASSAGE]: Sec. 23. (a) Subject to subsection (c), the  
24 department may, after issuing an order and receiving the governor's  
25 approval, determine that a state highway should become a toll road. An  
26 order under this section does not become effective unless the authority  
27 adopts a resolution to accept the designated state highway, or part of  
28 the highway, as a toll road project under the conditions contained in the  
29 order. An order issued by the department under this section must set  
30 forth the conditions upon which the transfer of the state highway, or  
31 part of the highway, to the authority must occur, including the  
32 following:

33 (1) The consideration, if any, to be paid by the authority to the  
34 department.

35 (2) A requirement that the authority:

36 (A) enter into a contract or lease with the department with  
37 respect to the toll road project under IC 8-9.5-8-7 or  
38 IC 8-9.5-8-8; or

39 (B) enter into a public-private agreement with an operator with  
40 respect to the toll road under IC 8-15.5.

41 (b) To complete a transfer under this section, the department must,  
42 with the governor's approval, execute a certificate describing the real  
43 and personal property constituting or to be transferred with the state  
44 highway that is to become a toll road project. Upon delivery of the  
45 certificate to the authority, the real and personal property described in  
46 the certificate is under the jurisdiction and control of the authority.

(c) Notwithstanding any other law, ~~neither the governor,~~ the authority, ~~nor or~~ an operator may **not** carry out any of the following activities under this section unless the general assembly enacts a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(2) Imposing tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

**(3) Determining that a highway should become a toll road.**

SECTION 13. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "augmentation allowed" means the governor and the budget agency are authorized to add to an appropriation in this SECTION from revenues accruing to the fund from which the appropriation was made.**

**(b) There is appropriated to the department of transportation forty-four million dollars (\$44,000,000) from the major moves construction fund (IC 8-14-14-5) for its use to complete the part of the New I-69 Evansville to Indianapolis project designated for completion in 2008 in the Indiana Department of Transportation Major New Highway Construction Plan (2006-2015), beginning July 1, 2007, and ending June 30, 2008. Augmentation is allowed.**

**(c) There is appropriated to the department of transportation seventy-five million dollars (\$75,000,000) from the major moves construction fund (IC 8-14-14-5) for its use to complete the part of the New I-69 Evansville to Indianapolis project designated for completion in 2009 in the Indiana Department of Transportation Major New Highway Construction Plan (2006-2015), beginning July 1, 2008, and ending June 30, 2009. Augmentation is allowed."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 105 as printed April 3, 2007.)

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Representative Stilwell